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JUN 09 2004

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ATTACHMENT A

REMARKS



Response to the Office Action mailed on March 08, 2004, reconsideration of the rejection of claims 1-23 and 30-48, which remain pending in the application, is respectfully requested.

**A. Rejection of Claims 1-3, 6-8, 10-11, 13-14, 16-17, 19-21, 30-32, 35-39, 42-43, and 45-48 under 35 U.S.C. 102(e)**

Claims 1-3, 6-8, 10-11, 13-14, 16-17, 19-21, 30-32, 35-39, 42-43, and 45-48 have been rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al. (U.S. Pat. 5,977,964) (Williams). This rejection is respectfully traversed.

The Williams reference and the differences between that reference and the present invention were discussed in some detail in the last response and that discussion will not be repeated here. The Examiner appears to agree that the system of Williams is only capable of identifying a single person at a time, viz., the person that is actually interacting with the system, and has no clue whether one or more other persons are in a viewing volume. Claim 1, prior to amendment, recited the step of determining "whether an additional user is newly present in a viewing volume." The Examiner interpreted this claim language as reading on "the scenario where there is no user and an additional user is newly present, where there is only one user." In other words, the Examiner contends that this language is readable on a situation where the sole user is a new user and thus is "an additional user...newly present in a viewing volume." Further, the Examiner contends the language "all users" appearing in, e.g., claim 7, can be read on a single user since the single user would constitute "all users."

With the comments of the Examiner in mind, the claims have been amended to more clearly define over the prior art, including Williams. Specifically, all of the independent claims, claims 1, 7, 13, 19, 30, 36, 37 and 45, have now been amended to recite either: (i) that "at least one user is already present in the viewing volume" when determining whether an additional user is newly present in a viewing volume; or (ii) that "a plurality of users present in a viewing volume" are identified, e.g., the original user and at least one further user; or (iii) that a

determination is made "that a user is present with at least one further user in a viewing volume." It will be appreciated that "user" can refer to a child or other sensitive viewer that has entered the viewing volume and that, in this regard, it is this "user" with which the invention is primarily concerned.

Thus, it is respectfully submitted that independent claim 1, 7, 13, 19, 30, 36, 37 and 45, as amended, all define over Williams, as Williams neither teaches or suggests a user-recognition input device that identifies an additional user as now defined or identifies a plurality of users present in a viewing volume or determines that a user is present with at least one further user in a viewing volume. The remaining rejected claims all depend on the independent claims and are patentable for at least the reasons given in support of the patentability of the independent claims. Accordingly, it is respectfully requested that the rejection of the claims under 35 U.S.C. 102(e) can properly be withdrawn.

**B. Rejection of Claims 4-5, 9, 12, 15, 18, 22-23, 33-34 and 37-48 under 35 U.S.C. 103(a)**

Claims 4-5, 9, 12, 15, 18, 22-23, 33-34 and 37-48 have been rejected under 35 U.S.C. 103(a) as being anticipated by Williams in view of one or more of: Lu et al. (U.S. Pat. 5,977,964); Wachob (U.S. Pat. 5,231,494); Kipust (U.S. Pat. 6,002,427); Herz et al. (U.S. Pat. 5,758,57) (Herz); or Ford (U.S. Pat. 6,181,364). It is respectfully submitted that none of the references cited, however combined or taken together, teach or suggest a user-recognition input device according to the claims as now amended.

The Examiner contends that, "Herz teaches having plural users and combining the profiles (col. 49, ll. 22-50) and clearly identifies plural users (actively or passively) (col. 26, ll. 22-50)." It is respectfully submitted that Herz does not in fact, teach or even suggest a user-recognition input device that identifies a plurality of users present in a viewing volume. In the lines referred to by the Examiner, Herz states that "the system of the invention may be easily modified to permit the customer to identify himself or herself by providing a user ID to the set top multimedia terminal so that a particular profile of that customer may be selected in the determination of the agreement matrix" and that "combined profiles may be created which best

reflect the combined viewing tastes of several persons in the same household” (col. 26, ll. 30-39). Alternatively, the system of Herz selects a profile based on factors that are “independent of the person actually viewing the television” (col. 26, ll. 28-29) (emphasis added). Thus, at best, Herz teaches a system that requires the user to select a profile, or that makes a selection independently of the personal actually viewing the television. Thus, it is respectfully contended that Herz does not teach a system or method that identifies plural users (actively or passively), as suggested by the Examiner, and that, accordingly, no combination of Williams and Herz could result in the present invention as claimed in the claims now presented.

None of the other references cited are alleged to teach or suggest identifying or determining the presence of a plurality of users present in a viewing volume. Thus, for at least the reasons discussed above, it is respectfully requested that the rejection of the claims under 35 U.S.C. 103(a) can also be properly withdrawn.

### **Conclusion**

It is respectfully urged that the instant application, as amended, is now in condition for allowance. However, if the Examiner believes that there are unresolved issues, the Examiner is respectfully invited to contact the undersigned to discuss these issues.

## ATTACHMENT A

### Amendments to the Claims

*Following herewith is a complete listing of the claims, including a marked copy of the currently amended claims.*

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1. (Currently Amended) An apparatus for controlling access to information based on content of the information and user identity comprising:
  - a video display that displays the information to be viewable by one or more users;
  - a user-recognition input device that determines when at least one user is already present in a viewing volume having access to the display, whether an additional user is newly present in ~~a the viewing volume having access to the display;~~ and
  - a control device coupled to the user-recognition input device and to the video display that selectively controls display of the information based on an output from the user-recognition device.
2. (Original) The apparatus according to claim 1, wherein the user-recognition input device includes a imaging input device, and a feature recognition device operable to distinguish between two or more users based on one or more image features of the users.
3. (Original) The apparatus according to claim 1, wherein the user-recognition input device includes an audio input device, and an audio feature recognition device operable to distinguish when an additional user arrives.
4. (Original) The apparatus according to claim 1, wherein the user-recognition input device includes a movement-detection device operable to distinguish when an additional user arrives.
5. (Original) The apparatus according to claim 1, wherein a priority is assigned to each user, and the control device selectively controls display based on each user's priority.

6. (Original) The apparatus according to claim 1, wherein the control device selects a predetermined channel based on a determination by the user-recognition device.

7. (Currently Amended) An apparatus for controlling access to information based on content of the information and user identity comprising:

a video display;

a user-recognition input device that identifies ~~all~~ a plurality of users present in a viewing volume having access to the display and provides one or more values that correspond to the identities of the users;

a memory containing information that identifies a video content that is being displayed on the video display, and information specifying which users are to be permitted access to that content;

a processor that compares a user-identity value from the input device to the memory content specifying which of the users are to be permitted access to that content and that produces an access-allowed indication based on that comparison; and

a blocking device coupled to the processor that selectively blocks display of the content based on the access-allowed indication wherein display is blocked if any present user is not allowed access to the content.

8. (Original) The apparatus according to claim 7, wherein the video content includes television programming.

9. (Original) The apparatus according to claim 7, wherein the video content includes computer-displayed text or graphics.

10. (Original) The apparatus according to claim 7, wherein the user-recognition input device includes a video input device, and a feature recognition device operable to distinguish between two or more users based on one or more video features of the users.

11. (Original) The apparatus according to claim 7, wherein the user-recognition input device includes an audio input device, and an audio feature recognition device operable to distinguish when an additional user arrives.

12. (Original) The apparatus according to claim 7, wherein the user-recognition input device includes a movement-detection device operable to distinguish when an additional user arrives.

13. (Currently Amended) A method for controlling access to information based on content of the information and user identity comprising the steps of:

displaying video information;

determining that a user is present ~~among a plurality of users~~ with at least one further user in a viewing volume having access to the display of video information;

storing information that identifies a video content that is being displayed on the video display, and information specifying which users are to be permitted access to that content;

comparing a user-identity value from the input device to the memory content specifying which users are to be permitted access to that content and producing an access-allowed indication based on a permitted access comparison; and

selectively controlling display of the content based on the access-allowed indication.

14. (Original) The method according to claim 13, wherein the video content includes television programming.

15. (Original) The method according to claim 13, wherein the video content includes computer- displayed text or graphics.

16. (Original) The method according to claim 13, wherein the step of determining includes acquiring video input, and performing feature recognition to distinguish between two or more users based on one or more video features of the users.

17. (Original) The method according to claim 13, wherein the step of determining includes acquiring audio input, and performing feature recognition operable to distinguish when an additional user arrives.

18. (Original) The method according to claim 13, wherein the step of determining includes detecting movement to distinguish when an additional user arrives.

19. (Currently Amended) A method for controlling access to information based on content of the information and user identity comprising the steps of:

outputting the information in a form discernable to a user;

determining, when at least one user is already present in a viewing volume having access to the information, that an additional user is newly present in ~~a~~ the viewing volume ~~having access to the output information~~;

and  
selectively blocking output of the information based on whether the additional user is newly present.

20. (Original) The method according to claim 19, wherein the step of determining includes acquiring video input, and performing feature recognition to distinguish between two or more users based on one or more video features of the users.

21. (Original) The method according to claim 19, wherein the step of determining includes acquiring audio input, and distinguishing from the audio input when an additional user arrives.

22. (Original) The method according to claim 19, wherein the step of determining includes detecting movement to distinguish when an additional user arrives.

23. (Original) The method according to claim 19, wherein the step of determining includes determining the identity of a second user who has appeared, and assigning a priority to the second user, and based on the assigned priority of the second user, switching to a channel assigned to the assigned priority of the second user.

24-29. (Cancelled)

30. (Currently Amended) An apparatus for controlling access to information comprising:  
a display device that displays the information viewable by one or more people;  
a recognition device that determines the identity of ~~all~~ a plurality of people in a viewing volume where the information is viewable on the display device;  
a control device coupled to the recognition device and to the video display that selectively blocks display of the information based on information content type and predetermined access controls for each identified person, wherein display is blocked if any person present in the viewing volume is not allowed access to the content.

31. (Previously Presented) The apparatus according to claim 30, wherein the recognition device includes a imaging input device, and a feature recognition device operable to distinguish between two or more people based on one or more image features.

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32. (Previously Presented) The apparatus according to claim 30, wherein the recognition device includes an audio input device, and an audio feature recognition device operable to detect when an additional user arrives.

33. (Previously Presented) The apparatus according to claim 30, wherein the recognition device includes a movement-detection device operable to distinguish when an additional person arrives in the viewing volume.

34. (Previously Presented) The apparatus according to claim 30, wherein a priority is assigned to each person, and the control device selectively blocks display based on each person's priority.

35. (Previously Presented) The apparatus according to claim 30, wherein the control device selects a predetermined channel based on a determination by the recognition device.

36. (Currently Amended) An apparatus for controlling access to information comprising:



a display device that displays the information viewable by one or more people;  
a recognition device that determines the identity of ~~all~~ a plurality of people in a viewing volume where the information is viewable on the display device;  
a control device coupled to the recognition device and to the video display that selectively controls display of the information based on content type of the information and predetermined access controls for each identified person.

37. (Currently Amended) A method for controlling access to information based on content of the information and user identity, the method comprising:

displaying video information;  
identifying ~~all~~ a plurality of users present in a viewing volume having access to the display of video information;  
obtaining information that identifies content that is being displayed on the video display, and information specifying which users are to be permitted access to that content;  
comparing each identified user to the information specifying which users are to be permitted access to that content; and  
selectively blocking display of the content based on the comparison.

38. (Previously Presented) The method according to claim 37, wherein the video content includes television programming.

39. (Previously Presented) The method according to claim 37 wherein the information that identifies content comprises a rating for a program.

40. (Previously Presented) The method according to claim 39 wherein portions of the program are individually rated and selectively blocked.

41. (Previously Presented) The method according to claim 37, wherein the video content includes computer- displayed text or graphics.

42. (Previously Presented) The method according to claim 37, wherein the identifying comprises acquiring video input, and performing feature recognition to distinguish between two or more users based on one or more video features of the users.

43. (Previously Presented) The method according to claim 37, wherein identifying comprises acquiring audio input, and performing feature recognition operable to distinguish when an additional user arrives.

44. (Previously Presented) The method according to claim 37, wherein identifying comprises detecting movement to distinguish when an additional user arrives.

45. (Currently Amended) A device for controlling access to information based on content of the information and user identity, the device comprising:

means for making information viewable or audible;

means for identifying all a plurality of users present in a volume where such information is viewable or audible;

means for obtaining information that identifies content that is being made viewable or audible, and information specifying which users are to be permitted access to that content;

means for comparing each identified user to the information specifying which users are to be permitted access to that content; and

means for selectively blocking making information viewable or audible based on the comparison.

46. (Previously Presented) The device of claim 45 wherein the means for identifying each user present in a given area provides an identity selected from the group consisting of specific identity, criteria identity, exclusionary identity and presence identity.

47. (Previously Presented) The device of claim 45 wherein the means for identifying each user present in a given area comprises an image recognition device.

48. (Previously Presented) The device of claim 45 wherein display is blocked if any present user is not allowed access to the content.

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